

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:07cv813-MHT
)	
ONE REMINGTON RIFLE, MODEL)	
7400, 30-06 CALIBER, BEARING)	
SERIAL NUMBER 8084 and)	
ONE MARLIN RIFLE, MODEL 120,)	
.22 CALIBER, BEARING SERIAL)	
NUMBER 27367587,)	
)	
Defendants.)	

DECREE OF FORFEITURE

Before the Court is the United States' Motion for Decree of Forfeiture (doc. no. 22). This is a civil forfeiture action in which the United States seeks the civil forfeiture in rem of the following firearms:

One Remington Rifle, Model 7400, 30-06
Caliber, bearing serial number 8084 and One
Marlin Rifle, Model 120, .22 Caliber, bearing
serial number 27367587.

The Court, being fully advised of the premises, finding that the United States has furnished due and legal notice of this proceeding as required by statute; that all persons known to the United States with a possible interest in the defendant firearms received actual notice of the action together with a copy of the Verified Complaint for Forfeiture In Rem and Warrant for Arrest In

Rem and that such actual notice of the forfeiture action and arrest was provided to Rex A. May, Sr. (May), Linwood Johnson and Patricia Lynn Shafer.

May asserted his ownership in the firearms by letter to Assistant United States Attorney John Harmon. Mr. Harmon forwarded the letter to the Clerk's Office and it was docketed on October 2, 2007. Two days later, May filed a claim form with the Court. On October 5, 2007, the Court advised May that his asserted ownership interest claim was deficient. Specifically, the Court advised May that his claim form was unsworn. May was instructed on the proper procedure and method for verifying the claim and given a deadline of October 22, 2007, to file his verified claim. The time for filing a verified claim expired over four months ago and May has not filed a verified claim nor has he sought to file an extension of time to file a verified claim.

On January 23, 2008, the United States filed a motion to strike May's claim on the ground that it was not signed under penalty of perjury. May did not respond to the motion although given two opportunities to do so.

On February 26, 2008, the Magistrate Judge entered her Recommendation to grant the United States' motion to strike, further stating that because May has not filed a verified claim, he lacks standing as a claimant in this action.

IT IS THEREFORE **ORDERED, ADJUDGED** and **DECREED** that the motion for forfeiture (doc. No. 22) is granted as follows: Final Judgment of Forfeiture of the above-mentioned defendant **firearms** is entered in favor of the United States.

IT IS FURTHER ORDERED that the United States shall dispose of the defendant firearms in accordance with Title 21, United States Code, Section 881(e) or other applicable law.

IT IS SO ORDERED this the 27th day of June, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE